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forthcoming)

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forthcoming)

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*Attorneys for Plaintiff*

*Lockheed Martin Corporation*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

LOCKHEED MARTIN CORPORATION,

Plaintiff,

v.

ACEWORLD HOLDINGS PTY LTD.; AMB  
PROPERTY (PROVIDENCE) PTY LTD.;  
IVORYROSE HOLDINGS PTY LTD., as Trustee for  
THE ASHFORTH SUPERANNUATION FUND;  
HOPERIDGE ENTERPRISES PTY LTD., as Trustee  
for the JONES FAMILY TRUST; TFW  
CORPORATE PTY LTD.; KHAKI INVESTMENTS  
PTY LTD.; MARBRUCK INVESTMENTS, LLC;  
MICHAEL F. ASHFORTH; KEMPER B. SHAW;  
and JAMES D. TAYLOR,

Defendants.

Case No. \_\_\_\_\_

**CERTIFICATE OF COUNSEL**  
**ROBERT A. VAN KIRK FOR**  
**PURPOSES OF RULE 65(b)(1)(B)**  
**OF THE FEDERAL RULES OF**  
**CIVIL PROCEDURE**

1           Undersigned counsel represents Plaintiff Lockheed Martin Corporation (“Lockheed  
2 Martin”) in this action that seeks, inter alia, a temporary restraining order and an order to show  
3 cause why a preliminary injunction should not issue against Defendants AMB Property  
4 (Providence) Pty Ltd.; Ivoryrose Holdings Pty Ltd., as Trustee for The Ashforth Superannuation  
5 Fund; and Michael F. Ashforth (collectively, the “AMB Defendants”); Aceworld Holdings Pty  
6 Ltd.; Khaki Investments Pty Ltd.; Marbruck Investments, LLC; TFW Corporate Pty Ltd.; Kemper  
7 B. Shaw; and James D. Taylor (collectively, the “Marbruck Defendants”); and Hoperidge  
8 Enterprises Pty Ltd., as Trustee for the Jones Family Trust (“Hoperidge”). Defendants own stock  
9 in Collinear Networks, Inc. (“Collinear”), and have threatened to sue Lockheed Martin in  
10 Australia for its alleged involvement in alleged misrepresentations by Collinear.

11           Lockheed Martin has not attempted to provide notice to the Defendants. Pursuant to Rule  
12 65(b)(1)(B) of the Federal Rules of Civil Procedure, undersigned counsel certifies that notice  
13 should not be required because, upon receiving notice, Defendants are likely to move for an “anti-  
14 anti-suit injunction” in an Australian court to foreclose Lockheed Martin from seeking relief in  
15 this action before this Court has an opportunity to render a decision in this matter. Such an  
16 injunction could prevent Lockheed Martin from continuing any effort to seek temporary and  
17 immediate relief in this Court, as well as potentially permanently deprive Lockheed Martin of the  
18 right to enforce the forum-selection clause that governs any claims Defendants seek to bring in  
19 connection with their investments in Collinear. It would also prevent any United States court from  
20 determining the applicability of contractual clauses signed by Defendants that call for the  
21 exclusive jurisdiction of courts in the United States.

22           Defendants’ recent conduct indicates that they will seek such relief in Australia if they are  
23 advised of the pendency of Lockheed Martin’s Ex Parte Application for Temporary Restraining  
24 Order Without Notice and Order To Show Cause Why Preliminary Injunction Should Not Issue.  
25 In recent discussions with Lockheed Martin, Defendants’ representative has emphasized that  
26 Defendants will initiate litigation unless Lockheed Martin agrees to invest at the level they have  
27 demanded, and that any such litigation will take place in Australia. These threats have been  
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1 communicated orally and in writing, and are attested to in the declarations of William Blair and  
2 Stanley Gustafson, both of which are attached to Lockheed Martin's Verified Complaint as  
3 Exhibits E and F.

4 Dispensing with the notice requirement in this case would prevent Defendants from  
5 foreclosing Lockheed Martin's opportunity to seek enforcement of a valid forum-selection cause  
6 pending a further hearing.

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8 Dated: July 16, 2019



9 Robert A. Van Kirk

10 *Attorney for Plaintiff*  
11 *Lockheed Martin Corporation*  
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